

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Jessie D. McDonald,

Plaintiff,

v.

Civil No. 08-5069 (JNE/JSM)  
ORDER

Overnite Express, et al, and  
Transport Leasing Contract, Inc.,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Janie S. Mayeron, United States Magistrate Judge, on September 24, 2009. The magistrate judge recommended that the motion of Transport Leasing/Contract, Inc., to dismiss Plaintiff's claims against it in the Amended Complaint be granted.<sup>1</sup> Plaintiff objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Transport Leasing/Contract's Motion to Dismiss [Docket No. 54] is GRANTED.
2. Plaintiff's claims against Transport Leasing/Contract in the Amended Complaint are DISMISSED WITHOUT PREJUDICE.

Dated: October 26, 2009

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge

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<sup>1</sup> The caption names "Transport Leasing Contract, Inc.," but the record reflects that the Defendant is actually named "Transport Leasing/Contract, Inc."